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BEFORE THE GUAM CIVIL SERVICE COMMISSION

BOARD OF COMMISSIONERS



IN THE MATTER OF:

JOHN D. SANTOS,

Employee,

VS.

GUAM FIRE DEPARTMENT,

Management.

GRIEVANCE APPEAL CASE NO.: 17-GRE21

ADVERSE ACTION APPEAL **CASE NO.: 17-AA15D**

JUDGMENT OF DISMISSAL

The Civil Service Commission hereby dismisses the above captioned case with prejudice pursuant to the signed Stipulated Global Settlement Agreement, attached hereto.

LOURDES HONO

Vice-Chairperson

Commissioner

SO ADJUDGED THIS _ day of

Chairperson

Commissioner

(absent) **CATHERINE GAYLE**

Commissioner

JUDGMENT OF DISMISSAL

John D. Santos vs. Guam Fire Department Grievance Appeal Case No.: 17-GRE21 and Adverse Action Appeal Case No.: 17-AA15D Page 1

25



Robert E. Koss, Lay Representative Guam Federation of Teachers P.O. Box 2301 Hagatna, Guam 96910 Ph. (671) 735-4390 Fax (671) 734-8085 Email rkoss@gftunion.com RECEIVED 245 3.24.19 RECEIVED 1

BEFORE THE CIVIL SERVICE COMMISSION OF GUAM

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JOHN D. SANTOS,

Employee,

CSC APPEALS Case Nos: 17-GRE21 and 17-AA15D

VS.

GUAM FIRE DEPARTMENT,

STIPULATED
GLOBAL SETTLEMENT
AGREEMENT

Management.

To the Civil Service Commission of Guam.

THIS STIPULATION OF SETTLEMENT AND AGREEMENT, is by and between JOHN D. SANTOS (hereinafter "Employee") and, THE GUAM FIRE DEPARTMENT (hereinafter referred to as "Management") as follows:

RECITALS

- A.The Employee commenced a Grievance and Adverse Action Appeals, Case nos. 17-GRE21 and 17-AA15D in the Civil Service Commission; and,
- B. The parties desire to enter into this Settlement Agreement (hereinafter "Agreement") for this and all pending matters in order to provide for certain arrangements in full settlement and discharge of the Appeal and Complaint in fair and equitable means and upon the terms and conditions set forth herein.
- C. The terms and conditions of said Agreement shall become operative upon execution of this Agreement.

NOW THEREFORE, for and in consideration of the mutual promises set forth herein, the parties agree as follows:

1. <u>Purpose of Agreement</u>. Employee and Management acknowledge and agree that this Agreement is a Settlement and Compromise of the referenced matter. It is the intention of the

STIPULATION OF SETTLEMENT - 1

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parties by the execution of this Agreement to fully, finally and completely resolve all disputes between them regarding these matters, in the manner more specifically set forth in the terms of this Agreement that follow.

2. Employee's Obligation.

2.1 Employee shall withdraw the Grievance Appeal 17-GRE21 and his Adverse Action Appeal 17-AA15D with prejudice pursuant to the terms of this agreement. Employee will not seek payment retroactive upon rescinding of the adverse action. Employee will not seek retroactive payment to retirement fund retroactive upon rescinding of the adverse action

3. Management's Obligation.

- 3.1 Management agrees that it shall rescind the Adverse Action (Demotion), CSC Case No. 17-AA15D. Management will reinstate employee to previous rank without retroactive payment.
- 4. <u>Performance Accepted.</u> The parties agree and acknowledges: (a) that it accepts performance of its obligations specified in this Agreement as a full and complete compromise of matters involving disputed issues; (b) that the negotiations for this settlement (including all statements, admissions or communications by the parties of their attorneys or representative shall not be considered by any of said parties; (c) and that no past or present wrong doing on the part of the parties shall be implied by such negotiations.
- 5. Additional Documents. All parties agree to cooperate fully and execute any and all supplementary documents and take all additional actions that may be necessary as appropriate to give full force and effect to the basic terms and intent of this Agreement within thirty days of the effective date.
- 6. Independent Advice of Counsel. Each party represents and declares that it has received independent advice from its respective attorneys and representative with respect to the advisability of making the settlement provided for herein and with respect to the advisability of executing this Agreement. Each party further represents and declares that it has not relied upon any statement or representation by the other party or of any of its partners, agents, employees, or attorneys in executing this Agreement or in making the settlement provided for herein, except as expressly provided for herein.
- 7. <u>Voluntary Agreement.</u> Each party represents and declares that it has carefully read this Agreement, that is knows the contents of this Agreement, and that it has signed the same freely and voluntarily.

STIPULATION OF SETTLEMENT - 2



IN WITNESS WHEREOF, the parties have executed this Agreement as of the date written below their respective names.

For Employee:

For Management:

⁶₫

JOHN SANTOS, Employee

DANIEL C. STONE, Fire Chief

STIPULATION OF SETTLEMENT - 3

Transmission Report

Date/Time Local ID 1

04-18-2019 6716471867

09:23:59 a.m.

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BEFORE THE GUAM CIVIL SERVICE COMMISSION

BOARD OF COMMISSIONERS



IN THE MATTER OF:

JOHN D. SANTOS,

Employee,

GUAM FIRE DEPARTMENT.

Management.

GRIEVANCE APPEAL CASE NO.: 17-GRE21

ADVERSE ACTION APPEAL **CASE NO.: 17-AA15D**

JUDGMENT OF DISMISSAL

The Civil Service Commission hereby dismisses the above captioned case with

prejudice pursuant to the signed Stipulated Global Settlement Agreement, attached hereto.

PRISCILLA T. TUNCA

Commissioner

absent`

Commissioner

ЈОН У ВМІТН Commissioner

CATHERINE GAYLE

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JUDGMENT OF DISMISSAL John D. Santos vs. Guam Fire Department Grievance Appeal Case No.: 17-GRE21 and Adverse Action Appeal Case No.: 17-AA15D

Page 1

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Total Pages Confirmed: 4

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Abbreviations:

HS: Host send HR: Host receive

WS: Waiting send

PL: Polled local

PR: Polled remote MS: Mailbox save

MP: Mailbox print

RP: Report FF: Fax Forward **CP: Completed** FA: Fall

TU: Terminated by user

TS: Terminated by system

G3: Group 3 EC: Error Correct

Transmission Report

Date/Time Local ID 1

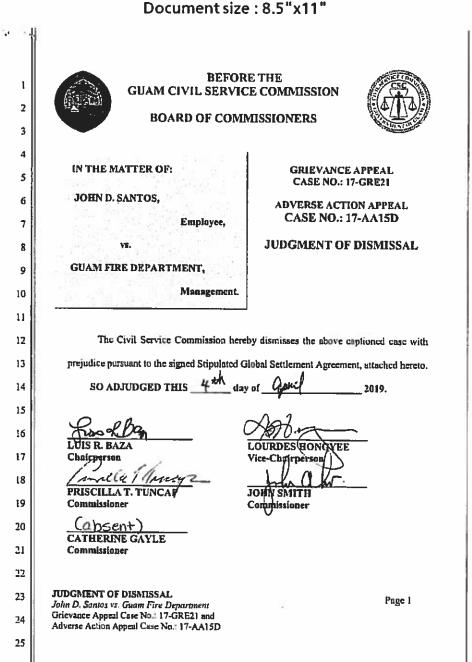
04-08-2019 6716471867

02:42:08 p.m.

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Abbreviations:

HS: Host send

HR: Host receive WS: Waiting send PL: Polled local PR: Polled remote MS: Mailbox save

MP: Mallbox print RP: Report FF: Fax Forward

CP: Completed FA: Fail

TS: Terminated by system G3: Group 3 TU: Terminated by user **EC: Error Correct**



Susan Corbin <susan.corbin@csc.guam.gov>

Civil Service Commission Judgments

3 messages

Susan Corbin <susan.corbin@csc.guam.gov>
To: officeofsenatorshelton@guamlegislature.org

Mon, Apr 8, 2019 at 4:32 PM

Hafa Adai Senator Shelton: Please find attached the Judgments executed by the Civil Service Commission in its meeting of April 4, 2019. This is mandated under 4 GCA, Section 4403. Thank you.

Susan Corbin Legal Secretary Civil Service Commission Tel: 647-1855

2 attachments

John D. Santos.CSC17-GRE21 and CSC17-AA15D.April 4-2019.pdf
113K

Kristoffer Castro.CSC18-GRE06.April-4-2019.pdf

Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org> Mon, Apr 8, 2019 at 4:35 PM To: Susan Corbin <susan.corbin@csc.guam.gov>

Good afternoon Ms. Corbin:

Confirming receipt of your judgement.

Regards.

Evelyn Claros Administrative Officer Office of Senator Amanda L. Shelton

[Quoted text hidden]



Name Title

Office of the People • Senator Amanda L. Shelton Legislative Secretary & Chairwoman of the Committee on Higher Education and the Advancement of Women, Youth and Senior Citizens
35th Guam Legislature
I Mina'trentai Singko na Liheslaturan Guåhan

Tel: (671) 969-2574

Email: officeofsenatorshelton@guamlegislature.org

Susan Corbin <susan.corbin@csc.guam.gov>

Mon, Apr 8, 2019 at 4:35 PM

To: Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>

Thank you.

Susan Corbin Legal Secretary Civil Service Commission Tel: 647-1855

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Transmission Report

Date/Time Local ID 1

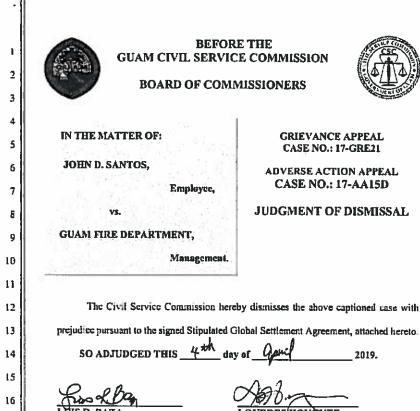
04-22-2019 6716471867

03:51:18 p.m.

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PRISCILLA T. TUNCA

absent) CATHERINE GAYLE

Commissioner

Commissioner

JUDGMENT OF DISMISSAL John D. Santos vs. Guam Fire Department Grievance Appeal Case No.: 17-GRE21 and Adverse Action Appeal Case No.: 17-AA15D

Page 1

Total Pages Scanned: 4 Job

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Total Pages Confirmed: 4

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JOHN SMITH Commissioner

Abbreviations:

No.

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HS: Host send HR: Host receive

WS: Waiting send

PL: Polled local

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Remote Station

6717348085

PR: Polled remote MS: Mallbox save

MP: Mailbox print RP: Report

FF: Fax Forward

CP: Completed FA: Fall

TU: Terminated by user

TS: Terminated by system

G3: Group 3 **EC: Error Correct**